

House Bill 1270

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide for certain licenses relating to exotic game; to define certain terms; to provide that no person shall possess, buy, import, or transport farmed exotic game or engage in or carry on the business of operating an exotic game ranch without first obtaining an exotic game ranch license; to provide requirements for the operation of an exotic game ranch; to provide for hunting exotic game on such ranch; to provide for the health of exotic game; to provide for jurisdiction, regulations, and penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by adding a new subparagraph to paragraph (1) of Code Section 27-2-23, relating to license, permit, tag, and stamp fees, to read as follows:

<u>"(M) Exotic game license</u>	<u>One-year</u>	<u>100.00"</u>
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SECTION 2.

Said title is further amended in Code Section 27-2-23, relating to license, permit, tag, and stamp fees, by adding a new subparagraph to paragraph (8) to read as follows:

<u>"(W) Exotic game ranch license</u>	<u>One-year</u>	<u>500.00"</u>
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SECTION 3.

Said title is further amended in Chapter 3, relating to wildlife generally, by adding a new article to read as follows:

"ARTICLE 8

27-3-180.

As used in this article, the term:

(1) 'Exotic game' means elk, axis deer, fallow deer, sika deer, red deer, nilgai antelope, addax antelope, black buck antelope, and aoudad raised for commercial sport. Such term shall not meant those cervids which are indigenous to this state, including white-tailed deer.

(2) 'Exotic game ranch' means a facility at which exotic game is kept for commercial hunting where patrons pay a fee to kill exotic game animals on the premises.

27-3-181.

(a) No person shall possess, buy, import, or transport exotic game or engage in or carry on the business of operating an exotic game ranch without first applying for and obtaining an exotic game ranch license pursuant to Code Section 27-2-23. An exotic game ranch license shall be valid from the date of issuance to March 31 of the following calendar year. An exotic game ranch license shall not be issued to any exotic game ranch operation which has not been inspected and approved by the department, provided that any facility expansion must be reapproved prior to renewal of a license.

(b) The license of any exotic game ranch operator violating this article or any rule or regulation adopted by the board pursuant to this article shall be subject to revocation, cancellation, or suspension following notice and hearing. An exotic game ranch license of any licensee whose facility does not meet the definition of an agricultural operation shall be revoked, and such license may be revoked if the licensee violates any provision of this title relating to wild animals. Any exotic game must be disposed of within 45 days of revocation of any exotic game farming license.

(c) Exotic game ranch operators shall maintain inventory records of their exotic game herds, including natural additions, purchased additions, sales, and deaths. Records shall be kept in accordance with specifications of the board and shall be subject to review by the department.

(d) Exotic game ranch operators shall construct and maintain premises and facilities used in exotic game ranch operations in accordance with rules established by the board and in accordance with subparagraph (A) of paragraph (1) of Code Section 27-5-6, provided that:

(1) The exotic game ranch must be at least 300 acres in size and at least 250 acres of which shall be wooded;

(2) The facility must be constructed of such material and of such strength as appropriate for the animals involved;

(3) Housing facilities shall be structurally sound and shall be maintained in good repair to protect and contain the animals;

(4) The facilities shall be designed in such manner, including the inclusion of barriers of sufficient dimensions and conformation, to safeguard both the animals and the public against injury or the transmission of diseases by direct contact; and

(5) Any portion of such facility within which exotic game are maintained shall be surrounded by a fence with a minimum height of eight feet with the bottom six feet made of woven mesh and constructed of a design, strength, gauge, and mesh approved by the department which is sufficient to prevent escape of exotic game and to prevent white-tailed deer from entering. Supplemental wire to attain a height of eight feet may be smooth, barbed, or woven wire of a gauge and mesh approved by the department with strands no more than six inches apart. All trees and structures which pose a threat to the integrity of the fencing shall be removed unless fencing is constructed so as to prevent the breach of the fence from the fall of a tree or structure.

(e) It shall be the duty of the department to inspect an applicant's facilities.

(f) For purposes other than operation of an exotic game ranch, exotic game species must be held under a wild animal license pursuant to Chapter 5 of this title. Anyone holding, possessing, importing, or transporting farmed exotic game without an exotic game ranch license or a wild animal license is in violation of this title.

27-3-182.

Patrons of exotic game ranches may hunt year round with an exotic game license as provided in Code Section 27-2-23. There shall be no limit on the species or numbers of exotic game which such person may kill on an exotic game ranch.

27-3-183.

Health and transportation requirements for any exotic game must meet health requirements established by rule or regulation of the board and the Department of Agriculture. Those animals specifically used for exotic game ranching must meet the requirements of the Uniform Methods and Rules of the Code of Federal Regulations for Tuberculosis and Brucellosis in Cervidae.

27-3-184.

Any exotic game which escapes from a licensed exotic game ranch shall be subject to the jurisdiction of the department and may be treated as an escaped wild animal which is subject to the provisions of Chapter 5 of this title, except that, while such animal is roaming freely outside the enclosure of any licensed exotic game ranch, the owner of such exotic

game shall have 48 hours from the time the escape is detected to recapture such animal and return it to the licensed exotic game ranch. As a condition for maintaining an exotic game ranch license, it shall be the duty of the owner or operator of a licensed exotic game ranch to notify the department immediately upon discovery of the escape of exotic game. When such notice has been given, no legal hunter shall be held liable for killing or wounding escaped exotic game.

27-3-185.

Exotic game ranch operators shall allow the entry onto the exotic game ranch of representatives of the department, the Department of Agriculture, or other departments or agencies having authority or duties involving exotic game or wild animals to ensure compliance with applicable federal and state laws.

27-3-186.

The board is authorized to promulgate rules and regulations as may be necessary to effectuate the purpose of this article. Such rules and regulations shall be designed to ensure the health and safety of wildlife and prevent the spread of animal diseases between wildlife, wild animals, domestic animals, farmed exotic game, and people.

27-3-187.

In addition to the remedies provided in this article and notwithstanding the existence of any adequate remedy at law, the commissioner is authorized to apply to the superior court having jurisdiction for an injunction. Such court may, upon hearing and for good cause shown, grant a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this article or for failing or refusing to comply with the requirements of this article or any rule or regulation adopted by the board pursuant to this article. An injunction issued under this Code section shall not require a bond.

27-3-188.

(a) In order to enforce this article or any orders, rules, or regulations promulgated pursuant to this article, the commissioner may issue an administrative order imposing a penalty not to exceed \$1,000.00 for each violation whenever the commissioner, after a hearing, determines that any person has violated any provision of this article or any quarantines, orders, rules, or regulations promulgated pursuant to this article.

(b) The initial hearing and any administrative review thereof shall be conducted in accordance with the procedure for contested cases in Chapter 13 of Title 50, the 'Georgia

Administrative Procedure Act.' Any person who has exhausted all administrative remedies available and who is aggrieved or adversely affected by any final order or action of the commissioner shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50. All penalties recovered by the commissioner as provided for in this article shall be paid into the state treasury. The commissioner may file in the superior court of the county wherein the person under order resides or, if said person is a corporation, in the county wherein the corporation maintains its principal place of business or in the county wherein the violation occurred a certified copy of a final order of the commissioner or of a final order of the department affirmed upon appeal, whereupon said court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same, as though said judgment had been rendered in an action duly heard and determined by said court. The penalty prescribed in this Code section shall be concurrent, alternative, or cumulative with any and all other civil, criminal, or alternative rights, remedies, forfeitures, or penalties provided, allowed, or available to the commissioner with respect to any violation of this article and any quarantines, orders, rules, or regulations promulgated pursuant to this article.

27-3-189.

It shall be unlawful for any person intentionally to release exotic game from captivity or to import, transport, sell, transfer, or possess exotic game in such a manner as to cause its release or escape from captivity. If a person imports, transports, sells, transfers, or possesses exotic game in such a manner as to pose a reasonable possibility that such farmed exotic game may be released accidentally or escape from captivity, the department may revoke the license of such person.

27-3-190.

Any person violating the provisions of this article shall be guilty of a misdemeanor."

#### **SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.